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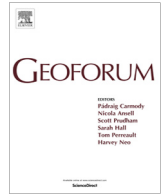
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“Love for sale”: Biodiversity banking and the struggle to commodify nature in Sabah, Malaysia[☆]



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ABSTRACT

In Malaysia, second largest palm oil producer worldwide, logging companies, palm oil corporations, and even responsible citizens can now compensate their biodiversity impacts by purchasing Biodiversity Conservation Certificates in an emerging new biodiversity market: the Malua BioBank. Biodiversity markets are part of a wider trend of marketisation and neoliberalisation of biodiversity governance; introduced and promoted as (technical) win–win solutions to counter biodiversity loss and enable sustainable development. The existing neoliberalisation and nature literature has tended to analyse these processes as consequences of an inherent drive of capital to expand accumulation and submit ever more areas of nature to the neoliberal market logic.

In contrast, I aim (a) to problematise the agency and the “work” behind marketisation of biodiversity, challenging the story of (corporate-driven) neoliberalisation as the realisation of an inherent market-logic (based on the a false conceptual state–market divide, often prevalent even in activist academic circles working on neoliberalisation of nature) and to see the state not only as regulator, but driving force behind, and part of “the market”; (b) to question the myth of neoliberalisation as state losing control to the market and to show how the state is using the biodiversity market as mode of governing; re-gaining control over its forests and its conservation policy; and (c) to demonstrate empirically the distinction between neoliberal ideology and practice, and to show that marketisation was based on pragmatic decisions, not ideology-driven political action. My analysis is based on 35 qualitative interviews with actors involved in the BioBank.

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1. Introduction

In Malaysia, second largest palm oil producer worldwide, logging companies, palm oil corporations, and even responsible citizens can now compensate their biodiversity impacts by purchasing Biodiversity Conservation Certificates (BCCs) in an emerging new biodiversity market: the Malua Wildlife Conservation Bank (Malua BioBank). For US\$10 per 100 m², producers, but also multinational oil and gas corporations, can help protect the last remaining orang-utans in Borneo – while addressing supply chain impacts, integrating conservation strategies, identifying branding opportunities and developing new sourcing strategies (Malua BioBank, 2010). Individual consumers may offset their personal biodiversity impacts with a mouse click; a piece of forest

the size of “a large garage” can be saved for US\$5 at www.protect-malua.org. While the BioBank was established to save one of the last remaining orang-utan habitats and rehabilitate degraded forest, it also constitutes a for-profit business model through which investment into nature is supposed to yield “competitive returns” to investors (Sunjoto et al., n.d.: 7).

Biodiversity markets have proliferated across the globe, rising from two to 45 existing schemes, with another 27 under development (Madsen et al., 2011). The European Commission is currently exploring the setup of the first transnational banking scheme. These schemes are based on the idea of assigning a monetary value to biodiversity habitat provision, resulting in its commodification, sale, and sometimes trading in the form of habitat credits or certificates. With these credits for “conservation actions intended to compensate for the residual, unavoidable harm to biodiversity caused by development projects, so as to ensure no net loss of biodiversity” (Ten Kate et al., 2004), destructive biodiversity impacts can be compensated through the conservation or rehabilitation of habitat elsewhere. Habitat banking or biodiversity markets involve

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“turning offsets into assets that can be traded, creating a market system for developers” (Eftec and IEEP, 2010: 2).

Important progress in understanding and theorising neoliberalism and nature has been made in the critical neoliberal conservation literature (Sullivan, 2006; Igoe, 2010; Büscher, 2010a; Brockington and Duffy, 2010; Brockington et al., 2008; Holmes, 2012; Liverman, 2004; Milne and Adams, 2012; McElwee, 2012; Pokorny et al., 2010; for a good overview see Büscher et al., 2012). This growing body of work yields important insights, but, I argue, may focus too much on structural forces behind, and constraints of marketisation and neoliberalisation, analysing them as corporate-driven processes and subsumed under some inherent market-logic (e.g. Smith, 2007), based on a problematic conceptual separation of markets and states. Explanations not only tend to underplay the crucial role of the state in market construction, but also fail to analyse it beyond its role as facilitating and regulating the market. Instead, as Malua illustrates, biodiversity markets constitute instruments *through* which the state governs its natural resources, its population and corporations. In the more structural accounts, marketisation can end up being *explained away* simply by reference to the fundamental ideas and ideologies of neoliberalism, and although Castree (2008) and others recognise that such thing as a “generic ‘neoliberalism’” doesn’t exist, and neoliberal ideology is not synonymous with neoliberal practice, I suggest they don’t go far enough in analysing these as fundamentally different, and recognising their sometimes quite contradictory nature.

Recognising this divide between the neoliberal ideology – the necessity “to subordinate social and political affairs to capitalist market dynamics” (Bücher, 2011: 92) – and “actually existing neoliberalisms” (Brenner and Theodore, 2002) – requires a radically agency-focused analysis (Knafo, 2010) of instances where market instruments are used, by whom, and how they are legitimised. To move beyond explanations based on an expansionary market-logic, situating it as (yet) another form of neoliberalisation, I need to focus on the marketisation process itself, and the agency behind it. It requires a methodological commitment to prioritise the agents and institutions on the ground (Knafo, 2010), an analysis of the productive power of the structures which constrain, but importantly also facilitate agency of the powerful; situating the BioBank in the dominant (transnational and local) discourses, based on a historicisation in the political–economic power structures; Sabah’s history of state cronyism, logging and palm oil. If we don’t accept “neoliberalism’s core claim that markets are naturally and spontaneously occurring phenomena [but that] how markets actually work is a product of social and political relationships” (Edwards et al., 2012: 3), then we need to go further and challenge the conceptual state–market divide (still) so prevalent in IPE.

The aims of the paper are therefore threefold; (a) to problematise the agency and the “work” behind marketisation of biodiversity, challenging the story of (corporate-driven) neoliberalisation as the realisation of an inherent market-logic (based on the a false conceptual state–market divide, often prevalent even in activist academic circles working on neoliberalisation of nature) and to see the state not only as regulator, but driving force behind, and part of “the market”; (b) to question the myth of neoliberalisation as state losing control to “the market” and to show how the state is using the biodiversity market as mode of governing (cf. Konings, 2010); re-gaining control over its forests and its conservation policy and local population; and (c) to demonstrate empirically the distinction between neoliberal ideology and practice, and to show that in Sabah, marketisation was based on pragmatic decisions much more than ideology-driven political action – while the neoliberal discourse has partly penetrated local realities, it has been resisted, modified, and most importantly instrumentalised for particular goals.

Understanding this agency is indispensable to challenge and resist processes of marketisation and neoliberalisation of nature

and to identify possibilities of change – because provoking change is the whole point of critical scholarship (cf. Cox, 1986). Demonstrating the contradictory nature of neoliberalism, its failures and the ideology–practice divide, avoids reifying neoliberalism as a hegemonic project and therewith exaggerating its power (Larner, 2003). Biodiversity markets are not only good case studies due to their political relevance today, but also due to their theoretical contradictions and practical problems, which arguably point to the limits to neoliberalisation of nature. The Malua BioBank is a particularly interesting example due to its international nature. While established and operated with involvement of local and international actors, the transnational political–economic structures in which it is situated are even more important: the certificates were intended to compensate² for the devastating biodiversity effects of (export) palm oil agriculture. Yet, marketisation has not been as successful as expected.

After this lengthy introduction, I first briefly discuss my theoretical approach and the methodological agency approach, before introducing biodiversity offsetting. After presenting the Malua BioBank as my case study, I analyse, firstly, the mobilisation of the dominant discourses for the discursive legitimisation of the BioBank and, secondly, the instrumentalisation of the historically specific material and institutional context which facilitated its setup; the political economies of timber and palm oil, and the legal framework in Sabah, Malaysia. Subsequently, I examine how actors operate in this historical context, and lastly, relate the analysis back to the wider theoretical debates before concluding.

2. Neoliberalism, neoliberalisation, nature and the state

Critical analyses, theorisations and empirical research on biodiversity markets are still in their infancy. Sullivan (2012, 2013a, 2013b) analyses biodiversity offsetting in the UK and Namibia, the accounting framework used to calculate biodiversity values, and the underlying “(anti-)ecological” assumptions (2013a). Robertson researches wetland mitigation banking in the US as a neoliberal strategy of stabilising capitalist relations of power and accumulation (2004); criticising simplistic notions of economic rationality (2009). Much of the critical neoliberalisation and nature literature analyses commodification and marketisation of nature as consequence of an inherent logic of capital to expand accumulation, a deepening of “primitive accumulation” compelled by capital’s need for a “spatial fix” (Harvey, 2001). Mostly located in the critical geography literature, work by, i.e., Mansfield (2004), McAfee (2003), Bakker (2004, 2005), Perkins (2011), or Prudham (2004) draws on Marx, Gramsci and/or Polanyi, as well as a number of eco-Marxists inspired by their work. In his excellent review, Castree (2008) explores their analyses and synthesises their main reasons why nature is being neoliberalised across the world. He concludes that neoliberalisation is explained by (fractions of) capital pushing either (a) to overcome the economy–environment contradictions by “bringing it more fully within the universe of capital accumulation”; (b) for submission of the non-human world to become “a means to the end of capital accumulation – period”, (c) as a “‘degrading nature to profit’ strategy”, or, lastly, (d) as a means of the *state* to overcome the inherent contradictions of capitalism (2008: 146–148).

² It is important to point out that with purchase of BCCs, buyers agree that they “do not represent an offset against clearing or degradation of [additional] other forests” (Grippe, 2008). However, it became clear in the interviews that the purchases are understood to represent compensation for previous damage, and that companies’ motivations are to secure regulatory goodwill and a good relationship to the government to be awarded more (logging) concessions in the future. There is no reason to assume that companies will not continue logging and conversion in the future.

This article constitutes an attempt to overcome the aforementioned tendency to focus too much on structural constraints, under-emphasising the role of (state)agency and conflating neoliberal theory and practise, prevalent in some of this literature. Following Konings (2010), I want to stress the distinction between the view of neoliberalism as hegemonic discourse and the view as social practice. He argues that “it is *only on an ideological level* that neoliberalism ever was a return to classical liberalism,” and examines “neoliberal practices not in terms of the subordination of governments and citizens to the anonymous imperatives of the market, but rather in terms of the creation, legitimation and consolidation of new relations of control” (2010: 742). Neoliberal practices don’t constitute market dis-embedding but “institutional expansion (i.e. a process whereby particular relations of power become anchored in people’s routine strategies and so are woven into the fabric of social life)” (Konings, 2010). In order to analyse social reality, we thus need “to move beyond an account of neoliberalism that is consistent with its self-description, i.e. as the subordination of governmental authority and public purpose to the disciplinary pressures of disembedding markets” (2010: 748) – going beyond Polanyi’s (1957) idea of a “double movement”, according to which markets require “re-embedding”, because this still presupposes a pre-existing expansionary market-logic. The latter illustrates “the persistence of an economistic understanding of the market as a sphere governed by actors’ natural, pre-social propensities and not structured and produced through the norms, conventions and rules provided by institutions” (Konings, 2010: 745, based on Beckert, Jones and Krippner; see also Krippner, 2001). This conceptualisation ignores that markets are themselves the “product of politics” (Chang, 2002); which presents itself as “non-political” (Beck, 2000: 122).

The methodological agency-focus (Knafo, 2010) sees agency not as object of analysis (ontologically), but as a lens through which we observe structures (methodologically). This enables historicisation without falling into the pitfalls of determinism – and without reifying social reality (Sewell, 1982) – based on the recognition that “the significance of social dynamics is not given by the structures themselves, but by what people do with them” (Knafo, 2010: 504). It requires an assessment of how powerful agents (such as the forestry department) mobilise and instrumentalise structural power relations to project and advance their interests. Agency lies in creating, reproducing and mobilising structures, such as discourses, beliefs, material dependencies and laws. This approach is essential so as not to end up explaining biodiversity markets with reference to some inherent logic – and allows me to focus on what practices affect and do, rather than what they say (Konings, 2010: 743). This enables me to see how biodiversity markets represent ways of governing nature – and (re)gaining control over nature.

3. Investing into biodiversity – offsetting, marketisation and beyond

In the transnational discourse, biodiversity governance is increasingly becoming subject to this “market-logic”. Following the Stern review on the economic cost of climate change (2007), G8+5 environment ministers commissioned a study on “The Economics of Ecosystems and Biodiversity” (TEEB, 2010) to analyse the global economic benefit and costs of biodiversity (loss). The report, according to which the annual economic cost of biodiversity and ecosystem degradation lies between US\$2 and US\$4.5 trillion (TEEB, 2010), helped mainstream monetary valuation of the (ecosystem) services we derive from our natural environment. The ecosystem services framing is supposed to create awareness and political support for their protection, based the recognition of the value of nature, or the “‘dividend’ that society receives from

natural capital” (TEEB, 2010: 7). Innovative market instruments are supposed to internalise nature’s value into the wider monetary economy (Van Hecken and Bastiaensen, 2010), to distribute scarce conservation resources most efficiently, and to preserve ecosystem services at the lowest possible cost (Ferraro and Simpson, 2002).

The first offsetting scheme was established in the US in the 1970s, and since then, the instrument has proliferated around the world, enthusiastically embraced by mining, construction, and oil industries, investors and many governments (ICMM, 2005), creating a rapidly expanding 3+ billion dollar business (Timbervest, n.d.), with third parties specialising in enhancing, restoring and protecting wetlands to sell credits, regardless of whether the areas were ever supposed to be cut down or not (Bayon, 2002).

4. Sabah’s forests, orang-utans, palm oil and the BioBank

Malaysia is an emerging economy characterised by unprecedented economic growth and booming large-scale palm oil agriculture and commercial exploitation causing deforestation and biodiversity loss (Nagle, 2009). International agencies are involved in a number of biodiversity projects.

The Malua BioBank is situated in the state of Sabah on Borneo (Fig. 1). Sabah’s biodiversity policy is considered more ambitious than national policy; however, the state government has simultaneously pushed timber extraction, premature re-logging and forest conversion to maximise legal and illegal timber and palm oil revenues. Almost all licensed forest has been logged to near exhaustion and timber production declined by over 95% from the 1970s (Reynolds et al., 2011: 3175). Much selectively logged land has been clear-cut and converted to palm oil plantations, leaving vast areas damaged (Reynolds et al., 2011). The forestry department reclassified protected areas as production forest, and allegedly even slopes as non-slopes, for additional logging (SarawakReport, 2012a). Palm oil agriculture now occupies 87% of all cultivated land (Toh and Grace, 2006) – at least 80% of that area directly replaced natural forest (Toh and Grace, 2006; Wakker, 2005). Corporations are criticised for water and air pollution (through fertiliser runoff and mills, resulting in decreasing fish stocks, flooding and degradation), infringement on indigenous rights (expansion into local land), and exploitation and abuse of its (foreign) workers (interviews; Dayang Norwana et al., 2011). Government regulation is insufficient; implementation and monitoring largely lacking.

Sabah’s forests are managed by the Sabah Forestry Department. Approximately 1,000,000 ha, including the Malua forest reserve, are concessioned out to Yayasan Sabah (Sabah Foundation) to finance poverty alleviation programmes and scholarships for Sabahans. The BioBank covers 34,000 ha of this commercial forest reserve, situated between the Danum Valley Conservation Area, one of the last untouched tropical lowland rainforests on Borneo, and oil palm plantations. Five villages exist in the neighbourhood of the BioBank.

The BioBank was established in 2008 to protect biodiversity and restore forest structure and functioning. The primary actors involved were the forestry department, the private investment company New Forests and Yayasan Sabah. The forestry department is known for its open-minded approach to conservation and alternative financing mechanisms, but considered rather hard-lined towards local communities and enforcement of forestry rules. *New Forests Pty Limited* is an Australian-registered company which manages investments in environmental markets, targeting investment opportunities in Malaysia, “with a strategic focus on high-value tropical hardwoods” (NewForests, n.d.). Together with the US-based asset management firm *Equator LLC*, it manages the Eco Products Fund (EPF), a US\$100 million private equity vehicle which



Fig. 1. Malua forest reserve in Sabah, Malaysian Borneo (Butler, 2008).

invests mainly in markets for ecosystem services in the US for its US- and UK-based investors (NBU, n.d.). Yayasan Sabah, the license holder, traditionally exploited its concessions for timber, though significant areas are now covered with oil palm and some set aside for conservation. Much of the concession area has been subject to premature re-logging and large-scale conversion (Reynolds et al., 2011).

This study is based on semi-structured in-depth interviews with 35 individuals in Malaysia between August and October 2012 (Table 1).

In 2006, the forestry department and Yayasan Sabah, in cooperation with NGOs and financial support from the US government, decided to set aside the Ulu Segama-Malua area for conservation (SFD, n.d.). The American–Malaysian conservation NGO LEAP first proposed the setup of a BioBank and facilitated communication between the forestry department and New Forests (see Fig. 2). The director of LEAP, who entertains close personal ties with the forestry department, chairs the advisory committee. Legally, the BioBank is a joint venture between the forestry department and the EPF, jointly managed by New Forests and Equator LLC.

Biodiversity Conservation Credits (BCCs) are sold to corporations and individuals. Purchase is voluntary. One BCC represents 100 m² of protected forest, costs US\$10, and is envisaged to be tradable on a future market. BCCs are registered at TZ1 Limited (now Markit), a multi-credit environmental markets registry (Silver, 2009). During the festive launch of the BioBank, four logging companies were announced who bought BCCs totalling US \$215,000. The operation of the BioBank is illustrated in Fig. 3 and the responsibilities of the different actors in Fig. 4.

5. Preparing the ground and talking the market into being – the discursive legitimization of BioBanking in Sabah

To begin, I examine how the (transnational) discourse surrounding biodiversity banking has entered the local reality in Sabah and been used and instrumentalised to legitimise the BioBank. The narrative around the BioBank enables a particular anti-political (Büscher, 2010b) problem construction and the discursive positioning of the BioBank as its solution. I will focus on the productive power (Knafo, 2010) of these discourses and their mobilisation to depict different actors in particular ways, positioning them as saviours or threats to biodiversity in Sabah.

Table 1
Overview of interviewees.

Institutions	Interviewees	
New Forest employees	Former BioBank manager	1
	BioBank manager	1
Government actors	Forestry department: director, two high-level officials	3
	Wildlife department: high-level official	1
	Yayasan Sabah/Sabah Foundation: high-level official	1
	Rangers	3
Conservationist/scientific expert	Hutan: member of staff	1
Civil society	Nongovernmental organisations (NGOs): LEAP (Land Empowerment Animals People), World Wide Fund for Nature (WWF), SAM (Sahabat Alam Malaysia, Friends of the Earth Malaysia)	6
Indigenous people	Organisation representing indigenous communities: PACOS	4
	Local community members: male head of village, three men, three women, male teacher	8
Palm oil industry	Oil palm plantations: directors/managers	3
	Oil palm lobbyists: Malaysian Palm Oil Council: director	1
Timber industry	Timber corporations: executive directors	2

5.1. From the transnational to the local – “Selling nature to save it” (McAfee, 1999: 133)

The international discourse, based on the ecosystem framing elaborated above, is supposed to demonstrate to business leaders that “protecting nature can be a profitable corporate priority and smart global business strategy” (Dow CEO Andrew Liveris in Walsh, 2011). If nature’s services can be measured and represented as credits and debts, “they are more easily integrated as benefits or costs in economic decision-making” (Madsen et al., 2010: 1). This discourse sits comfortable within dominant neoliberal discourses related to sustainable development, green growth and green economy; “mobilising metaphors” whose “vagueness, ambiguity and lack of conceptual precision is required to conceal ideological differences, to allow compromise and the enrolment of different interests, to build coalitions [and] to distribute agency” (Mosse, 2004: 663). It resonates with the (ecological) modernisation discourse, based on ideas of compatibility of economic growth and

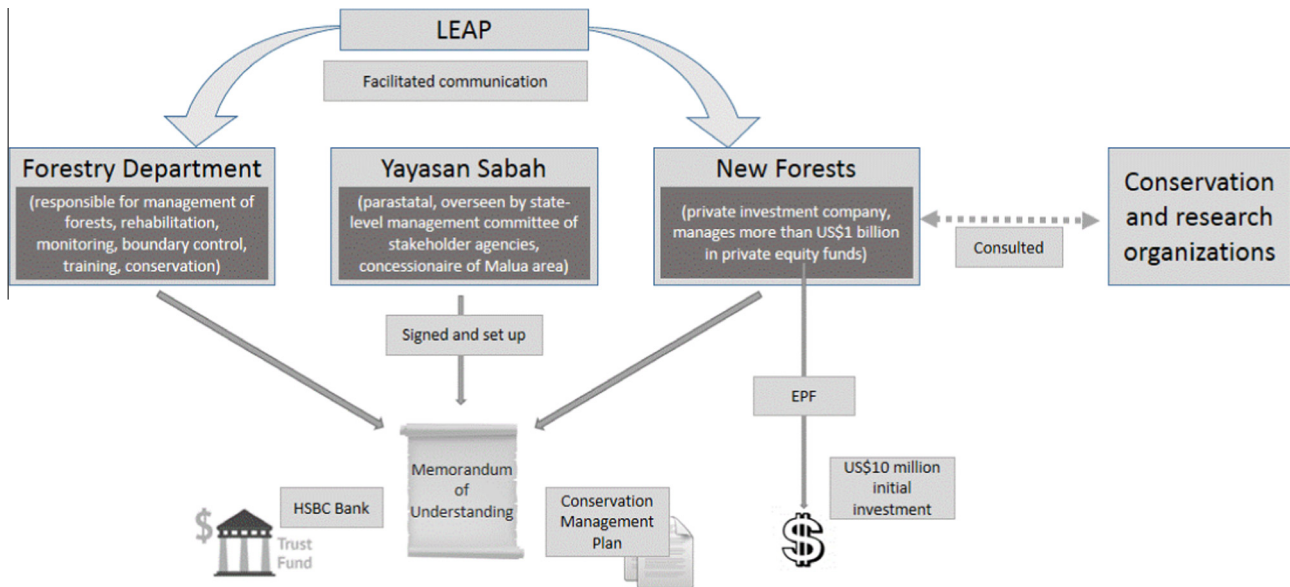


Fig. 2. Setup of the BioBank (own figure).

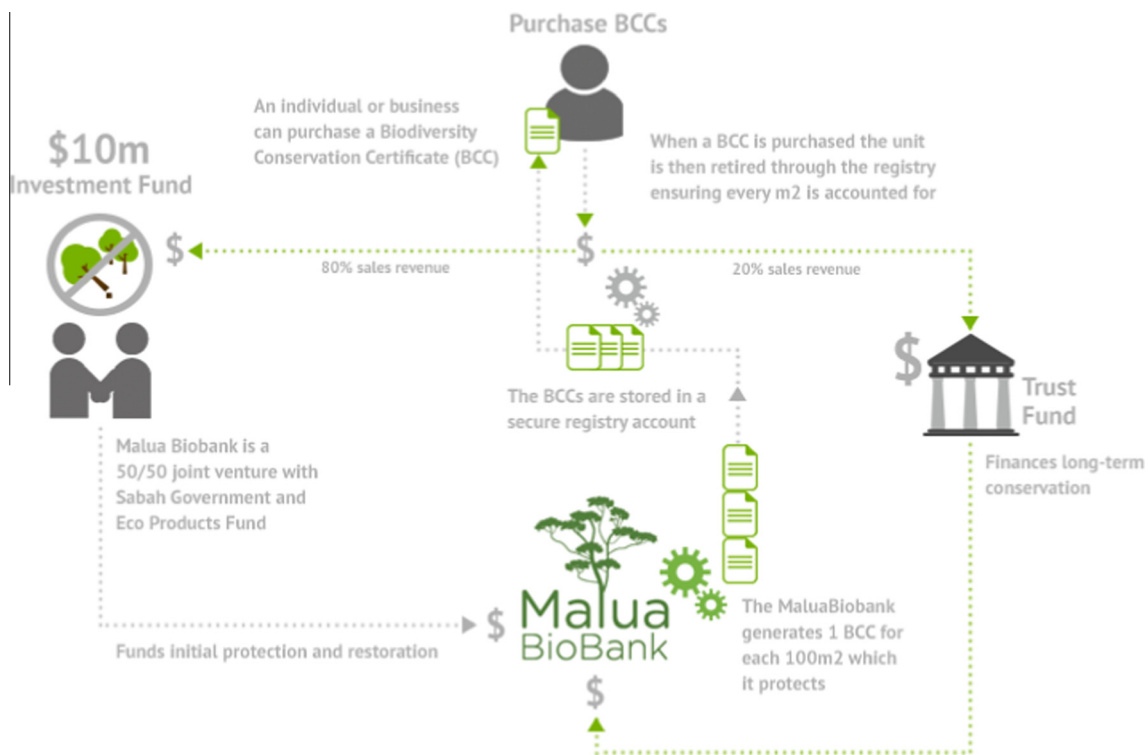


Fig. 3. Operation of the BioBank (Malua BioBank, n.d.).

environmental protection and (economic) development as modernisation. Internationally, this is promoted through summits (Rio, Rio+20), publications (TEEB) and (non)governmental organisations and platforms (Business and Biodiversity Offsets Programme, Ecosystem Marketplace).

In Sabah, its influence is clearly visible and has gained support in the policy arena, civil society, and the business world; promoted by transnational organisations active in Sabah, (international) NGOs, government officials and forest officers. It translates into, e.g., REDD+ (Reducing Emissions through Deforestation and Forest

Degradation) preparation programmes and PES projects. The United Nations Development Program (UNDP) and Global Environment Facility (GEF) spent over US\$5 million on programmes such as “Institutionalizing Payments for Ecosystem Services” in Malaysia (UNDP-GEF, n.d.). LEAP’s number one strategic focus is on building partnerships and projects through PES (n.d.). Through their material influence, international organisations actively shape the discourse in Sabah and promote certain ideas and values. They reach out to other actors through workshops, trainings and capacity building (e.g. for indigenous communities):

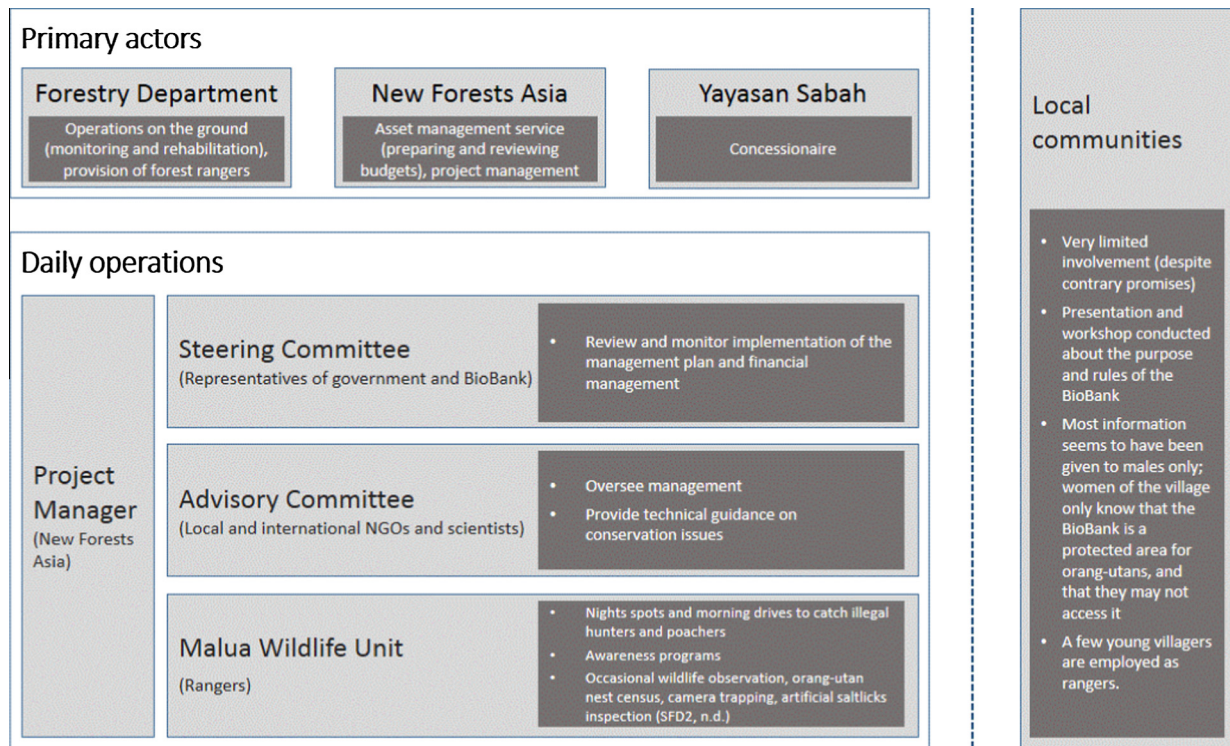


Fig. 4. Operation of the BioBank, responsibilities of actors (own figure, based on interviews).

We spend so much money on meeting and discussing about REDD, we stay in the hotel, we eat very good food ... a lot of money is spent on consultation, but ... we are very sceptical. They only think of what is the strategy of greening the hut the soft way (indigenous interviewee).

These programmes also play ideological roles: by legitimating institutions and practices such as PES, they “reflect orientations favourable to the dominant social and economic forces” (Cox, 1983: 63). This process is not directly visible: no interviewee refers to international organisations explicitly when asked about the BioBank. However, every interviewee repeatedly mentions REDD+, PES and carbon credits, and the discourses attached to these projects, pushed forward especially by the GEF and UNDP.

State actors selectively use these discourses and the financial value framework attached to them. One forestry official, when asked about the benefits of the BioBank for communities downstream, responds:

Not having logging in Malua is already helping by mitigating some of these impacts [on water quality by palm oil companies]. This is more or less providing services to downstream. If one were to capitalise on that then we would have to look who is willing to pay, for clean water for example.

Local officers and New Forests employees reproduce this narrative, ‘consulting’ with local people and delivering presentations and workshops to raise the acceptance of the BioBank. NGOs realise the material benefits and possibilities to gain power and legitimacy by adopting the hegemonic discourse. As one WWF employee, very active in the promotion of a green economy-approach to conservation in Sabah, explains:

so if you have some of the NGOs who are more aligned with the aid agencies ... if we are aligned more to [EU policies] ... then there is a little more acceptance of us by the state government.

One wildlife officer explains how his department consciously adopts the financial value framework to please funding agencies:

[They ask:] ‘What benefits do we have?’ ... It’s always the economic returns, always main agenda ... Suddenly there is an orang-utan population in this area. How do you value it? It’s invaluable ... so we always argue ... They always ask: ‘How then will Sabah or Malaysia benefit from this?’ We always [say]: ‘No, you can’t just look at the real benefits in terms of monetary. You must see the [intrinsic] value that you cannot see ... this is very invaluable’ ... When we develop this area A, and then we start to open it to the tourists, and we get this conservation fee, entrance fee, you name it, camera fee, then we present to finance ministry; ‘This is what we get from this area at the moment, and if we do more of this ... then we get this X revenue’. Then they’ll say: ‘Yes, ok. How much do you want? And what is the timeframe that you can get even?’

Lastly, the agency of individual change agents is crucial in spreading the discourse, most importantly the forestry director. All interviewees who know him directly quote him repeatedly: “[The director] always says ...”; “Selling Love. Love is not enough ... Love for nature, for the environment”; “We were told love for sale”. The director of New Forests is another important individual: “he has been a spokesperson, a sort of ideas person for biodiversity trading for some time, so it was like a pet project” (New Forests representative).

5.2. From adoption to resistance, modification and instrumentalisation

The transnational narratives have clearly penetrated and shaped local realities in Sabah; introduced by (transnational) (non)governmental elites, but adopted and reproduced on the ground, ‘to get things done’. The latter is exemplified by local NGOs, forestry officers, employees of Yayasan Sabah and rangers; frustrated by ongoing biodiversity loss and degradation. Their response is more pragmatic than ideological; due to the lack of government funding, these actors take advantage of, and use the discourse for the benefit of conservation. As one Yayasan Sabah official explains:

People were exploring new ways of looking at things. In Lahad Datu, there was a carbon sequestration project ... Then, people are talking about REDD ... eventually BioBank came in. They said: yeah, maybe it's another way to get money ... Why not, we tagged along and see what happens.

When a New Forests employee tells me about the criticism she encountered, her pragmatism becomes very clear:

There was that general feeling that goes with carbon credits too, that people can just pay and carry on their lives ... I know that there are feelings out there. I don't share it. I think however you get the money, however you protect the forest ... whatever it takes.

Many individuals I interviewed are very devoted and work hard to protect Sabah's wildlife and forests, viewing the BioBank as an additional channel of acquiring conservation funds. Some, like this indigenous woman, have become more pragmatic over the years:

Initially, when we were younger, we didn't want money [from corporations], but we also had to be practical ... people were really so poor ... In the end, we also thought: Well if Shell wants to do something [to] cleanse the sins ... Wasn't it mother Theresa who said wherever the money is from, [if] it's for the cause of the marginalised poor, suffering children and women ... What is the money that cannot be cleansed with tears?

People not only act pragmatically (rather than ideologically); they resist, modify and instrumentalise these narratives. Not surprisingly, indigenous people are most vocal in their opposition to the idea of offsetting: "a ridiculous idea. How can you do that? ... What is the principle? The value? The philosophy of doing that? The foundation of that?" However, scepticism and doubt can be traced in other interviews – people are appropriating and modifying the discourse to make sense of their realities. One example is the repeated referral to "love for sale", or "selling love" by a number of interviewees. This quote is not meant as a critique of the idea of commodification or marketisation (indeed, it seems to be regarded a great PR strategy). Nevertheless, it shows that the very concept of ecosystem services and the economic reductionism (the reduction of social relations and individual behaviour to market incentives, quantified monetarily, prioritising private ownership and market-based management, as Carolan defines it in [Büscher, 2011](#)) on which it is based don't adequately characterise the local relationship to nature.

5.3. Oversimplified, apolitical and localised problem construction

To legitimise the setup of the BioBank, the complexity of the drivers of biodiversity loss in Sabah must be reduced to the endangerment of the orang-utan. According to state, corporate and civil society actors, hunting and poaching by local indigenous communities and (foreign) plantation workers and the lack of financial resources to stop them are the main drivers of biodiversity loss in Sabah. This problem construction is based on the view of local communities and workers as rational actors who react solely to material incentives (again invoking the same economic reductionism, *Ibidem*) and dissemination of information, disregarding cultural traditions and customary preferences. It reinforces a very particular view of indigenous communities (and foreign workers) as endangering wildlife, and a reduction of their agency to hunting and poaching, especially by state actors (interviews). Agency to protect biodiversity (to educate locals and patrol the area) lies with the forestry department, but also the (Australian) investment company; "[New Forest] came here and wanted to protect forest ... [I asked:] how can 'you guys' protect the area?" (local community member).

This view plays into the broader modernisation and development discourse and the positioning of indigenous people versus the civilised state/corporate world, instrumentalised to pressure people into consenting to palm oil agriculture on their land – in contrast to the backwards, uncivilised native subsistence living: "Of course we are always asked: you want development? Or you want to remain backwards?" (indigenous interviewee). Historically, the corporate sector – previously the timber, and now increasingly the palm oil industry – has been presented as a vehicle to catch up with (Western) development. "[D]evelopment is equated with modernisation. Modernisation is equated with wage labour, mass production using improved technology and high level consumption" ([Majid-Cooke, 1995: 222](#)); with benefits trickling down to local populations, whose native subsistence lifestyles are considered to contradict modernisation. The idea of sustainable (conservation-friendly) development, within which offsetting fits so well, allows for the continued sovereign development, without having to publicly give into Western pressures to conserve orang-utan habitat or limit palm oil production. These discourses do not merely float around, they are invoked and reproduced (cf. [Knafo, 2010](#)); effectively empowering and legitimising the forestry department, which cooperates with palm oil companies. To limit hunting, one palm oil executive explains:

Now the gate [his company's security forces] has been given strict instructions: No firearms allowed ... our role [is] watching the area, giving our manpower for [the forestry department] to watch over boundary, so there will be no outside intruders ... maybe in the future, [we could have] uniforms that signify our authority,

hereby effectively establishing his company as the real saviour of Sabah's biodiversity.

The scientific evidence of the destructive impact of palm oil industry is often straight-out denied or downplayed by business and forestry officers (in the interviews, but also publicly, e.g. by the CEO of the Malaysian Palm Oil Council, [Basiron, 2010](#)). When asked about the necessity to reduce global palm oil consumption, one high-level forestry officer explains: "they can always improve the yield [and] do a bit of greening activities". Most interviewees see biodiversity loss as an apolitical, exclusively local problem which can be solved through technological advancement. The systemic causes of deforestation in Sabah – industrial logging, conversion and high-level corruption ([SarawakReport, 2012a](#)) – are not problematised. Due to the material influence of these powerful stakeholders, policy action is centred on less damaging activities (hunting and fishing by local people) rather than the real drivers of biodiversity loss. This enables the framing of the BioBank as a solution to biodiversity loss in Sabah.

5.4. 'Nothing to lose' – the BioBank as win-win-solution

This solution is discursively grounded in the hegemonic discourse on the need for commodification and competition (interviewees). "We want conservation to pay. Because love alone will not get us anywhere", I am told by one forestry official; "If you love something, you are willing to invest" – [we need to] "capitalise our natural capital". 'Love for nature' is equated with 'paying for nature', and associated with market-thinking, or, to borrow from Perkins, "inextricably conflated with the promise of profitable market logic" ([2011: 563](#)). Similarly, "[c]onsumers of the certificates" are equated with "people who love the environment" (another forestry official). Therewith, nature becomes consumable. As the managing director of New Forests explains: "The Malua BioBank translates rainforest protection into a saleable product so that biodiversity conservation can compete with other land uses on a com-

mercial basis” (Gripne, 2008). To facilitate competition, the complexities of local conservation need to be reduced and centred around the orang-utan for marketisation. Holmes argues that “[t]he importance of spectacle and image may have important biodiversity consequences as only some species and places have the requisite qualities to be turned into marketable commodities” (2012: 199; also POST, 2011). Consequently, the orang-utan needs to compete with timber and palm oil in order to be preserved. This reductionism is not new and can be observed elsewhere. WWF, for example, concentrates its conservation efforts on ‘priority regions’ and ‘priority species’ that are appealing and suitable to attract donations. The Malua area was chosen for the BioBank because of its orang-utan population, strategic location and PR potential: the “orang-utan effect” (forestry official); “a great selling point” (conservationist). Simultaneously, the complex socio-natural relationship between nature and humans is reduced to the monetary dimension (the economic reductionism described above). One indigenous interviewee criticises: “What has, say, an American family got to [do with Malua]? They haven’t seen the land”. The drive for profits is legitimised:

[Shell, a potential buyer, asked:] ‘Do you have an issue if someone from New York makes tons of money through the Bio-Bank?’ ... No, I have no issue. If he has the vision to support something like the Malua BioBank, he has every right to make some profit (LEAP).

Lastly, the BioBank is presented as an “anti-political” (Büscher, 2010b) solution to biodiversity loss, reduced to an innovative and progressive opportunity to generate conservation funds and profits for investors, and a technical instrument, grounded in politically neutral, ‘objective’ scientific and economic rationales. The former, legitimised by reference to scientific studies and organisations, is based on the need for a buffer zone for orang-utan protection; a corridor to connect orang-utan habitats and avoid interbreeding. It resonates well with international discussions on ecosystem services and ‘natural capital accounting’, which are made to sound apolitical. The latter is based on the need for conservation to be profitable and to compete with alternative land uses. The presentation as technical is visible through the repeated referral to the advisory body as the “technical committee” and biodiversity offsetting as a “technical process”. The language used to promote the Bank (address supply chain impacts, identify branding opportunities, develop new sourcing strategies) hides the important political implications of these strategies. It is based on the depiction of the BioBank as a win–win solution. As McAfee explains,

neoliberal environmentalism promises to foster greener economic growth, but with a human face: a multiple-win outcome for nature, private investors and publics, including the poor, yet one that requires minimal public expenditure (2012: 109).

6. Conservation, capital and corruption in Sabah – a political economy account

To understand conservation in Sabah, one needs to situate the BioBank in its institutional, material and legal context; to understand timber politics, the role of palm oil, and the surrounding legal structures and power relations. I analyse how these structures empower certain agents and enable particular policy decisions.

6.1. Capital accumulation, palm oil and the state

“Capitalist societies are systemically dependent on economic growth/capital accumulation” (Newell and Paterson, 1998: 691).

It is the task of the state to sustain the rule of the market, protect private property rights to advance economic growth, and promote the general interest of capital (Ibidem, based on Burnham). “Maintaining capital accumulation is therefore a central part of the maintenance of state legitimacy” (Newell and Paterson, 1998: 691).

The most important source of capital accumulation in Sabah is the palm oil industry. The state government’s 7.5% sales tax on palm oil constitutes the single largest contributor to Sabah’s GDP, adding up to 40–50% of the entire state budget (Pang, 2011). Under its Economic Transformation Programme, the government initiates and funds palm oil projects (ICE, 2012). Palm oil corporations entertain very close relationships with the government. When asked about the involvement of the industry in conservation, one forestry official responds:

If you compel them to do it, they won’t. Not by legislation. You just talk to them. Look, you’re making too much money. Let me help your reputation. We do the restoration of this forest, you give us the money. And we will acknowledge your contribution and you can rip the publicity. That’s what [company x] is doing.

Palm oil has become transnational capital of global importance, creating “transnationalised circuits of accumulation and production” (Robinson in Pye, 2010: 852). Most privately-owned Malaysian companies are either subsidiaries of, or have themselves become, transnational corporations investing abroad (Pye, 2010). Large-scale export-oriented plantation agriculture including palm oil has been discursively and financially supported by multilateral financial institutions including the World Bank, the UN Food and Agriculture Organization (FAO) and UNDP (Tauli-Corpuz and Tamang, 2007). The International Monetary Fund has been criticised for writing grants to Wilmar, the world’s largest palm oil producer with horrible environmental and social records (FPP, n.d.). Yet, these power structures have no inherent causal effects or significance “outside of the way they are historically implemented and exploited by specific agents” (Knafo, 2010: 513). Rather than focusing on the constraints they imposed, I’ll examine more closely their “productive leverage” (Knafo, 2010: 505) and what is achieved through these structures. First, however, I will briefly elaborate on the involvement of the government in the timber industry.

6.2. Forests as political capital

Sabah’s forests are not only natural and economic, but also political capital, and the structural dependence instrumentalised for the benefit of policy makers. The money raised by Yayasan Sabah through the sale of logging permits is frequently redirected by/to politicians. I am told by one Yayasan official that the foundation is “actually [a] political tool. Whoever is in power will use it to generate more money. Politics without money [is] no politics”. In 2012, documents were leaked by the Malaysian Anti-Corruption Commission which revealed that the Sabah chief minister (chairman of Yayasan Sabah) was involved in a million-dollar timber scandal, subject to high-level political cover-up (e.g. SarawakReport, 2012b; Butler, 2012; Koswanage, 2013). He is currently subject to criminal investigations in three different countries for laundering US\$90 million from bribes for timber licenses (Global Witness, 2012; Koswanage, 2013). The largest foreign-owned bank in Malaysia, HSBC Bank, which acted as trustee for the BioBank, enabled the movement of this capital abroad (SarawakReport, 2012c). Victims include indigenous communities, who lost access to their native lands and hunting grounds (SarawakReport, 2012c) – a classic case of Harvey’s accumulation by dispossession (2004).

The Malua BioBank must be analysed in light of this history of state cronyism and the patron–client politics, rooted in its colonial

history,³ which characterise timber politics in Sabah. Dauvergne's analysis is worth quoting at length here:

Links between top state patrons and timber operators in East Malaysia ... distort state policies, weaken state enforcement, and drive unsustainable logging. To maintain loyalty and support ... top political patrons grant timber concessions to key political and business clients ... Timber profits fuel powerful patron-client networks. These networks are highly unstable, rupturing as political parties vie for power in East Malaysia's ethnically diverse landscape. As a result, concessions are frequently annulled ... [and] incentives for long-term management are sorely lacking ... Instead, concessionaires and timber companies race to extract as much timber as possible (1997: 99).

Corruption involving timber concessions is a common phenomenon in the tropical timber industry. Local bureaucrats and politicians often profit from illegal logging (Barr et al., 2006). “[I]n many cases over fifty percent of the wood yield involves some illegal action” (Burgess et al., 2011: 1). The productive aspect of these power relations (Knafo, 2010) became clear when the forestry director called upon four timber corporations to purchase BCCs. One NGO member explains: “the director of forestry was like: buy some credits, so we can show at the launch that some credits were sold ... It wasn't like they volunteered”. A New Forests representative thinks out loud:

It might be, you know, you will get this to harvest if you make this donation, or I'll ignore this infringement. They made the donation, they got a certificate, and at the annual dinner that Sam holds for all forestry stakeholders, they get to go up and everybody claps, and they got the Sam ... approval.

Rather than through brute force, it was done through negotiation and public celebration. The drive of corporations to seek internal legitimisation and maintain good relationships with the forestry department, rather than invest into green PR/CSR fits well with the history of close patron-client relationships that is so particular to timber politics in Sabah. Despite the decline in timber production, these networks remain important (and may even become more important?), as pressure for short-term profit may be accelerating. At the same time, the economic and political importance of the forestry department is declining, and while it is still holding on to its image of being rich and powerful, its director needs to find new sources of legitimacy and power. These historical conditions enable him to test out new avenues, and use his power over the (relatively weaker) timber industry to set up the BioBank. Meanwhile, international pressure has built up to protect the remaining primary forests on Borneo (based on its construction as a ‘biodiversity hotspot’) and save the last orang-utans. While protecting sovereignty and fostering a nationalistic discourse which emphasises independence from the West(ern environmentalists), the BioBank thus serves as a means to reconcile these concerns.

6.3. Institutionalised power relations – business, Yayasan Sabah and the different levels of government

The forestry department is anchored directly under the Sabah Chief Minister, who, importantly, simultaneously controls Yayasan Sabah and appoints the forestry director. The director is therefore

restrained in his policy options – he cannot simply ban logging, withhold palm oil concessions or increase taxation. Although Yayasan Sabah is supposed to work independently, this political control by the state government means that forest resources become a source of political power, allowing for illegal bribing and resource extraction. Not only are profits (re)directed for political purposes (interviewee from Yayasan Sabah), but the allocation of forest concessions for timber or palm oil is intrinsically political – reproducing existing power structures.

Palm oil industry representation (in addition to its close links to the government) is institutionalised in the “ABC” (association, board and council). These bodies are mainly government-funded and their role is to “greenwash the industry and lobby”, I am told by one conservationist, to promote palm oil interests and selectively fund research and conservation activities. These power relations are further facilitated by a legal framework protecting individual and corporate rights over communal rights.

6.4. Individual, state and communal rights

Under the existing institutional framework (and rooted in its colonial past and history of landgrabbing from indigenous communities), rights are granted to individuals, groups and companies. Three types of property rights exist in Sabah: State property rights (state land, including forest reserves), private property rights (land for development, e.g. palm oil) and communal property rights (land claimed by indigenous communities) (Toh and Grace, 2006). According to the Human Rights Commission of Malaysia, Sabah scored 2nd in land rights problems for indigenous people; the government frequently disregards native customary rights and “has been very harsh and kicked people off the land” (conservationist). Authorities regularly fail to act upon land grabs by private companies (Vanar, 2012). Native customary rights are weak and often not complied with (PACOS in Dayang Norwana et al., 2011: 3). Additionally, “[t]he land title application can be a long process and the outcome is often influenced by local politics” (Dayang Norwana et al., 2011: 14). Enforcement of social safeguards to protect communities is weak and implementation is poor. Individuals' and corporations' rights, in contrast, are strictly enforced (conservationist).

Market instruments require individual rights, and the state is responsible for their protection. Importantly, the legal framework itself is not necessarily discriminatory, but it is selectively mobilised and exploited. Legislation which prohibits hunting by locals, for instance, is usually strongly enforced (though exceptions are made), whereas environmental legislation is handled much more laxly. As one high-level wildlife officer explains: “[It's] mostly a negotiation process! Legal [action] doesn't work, because then they will engage lawyers to go against us”.

7. Strategies of action – politics of scale and strategic coalition building

To reach goals, actors selectively work at and involve others from different scales of governance. As Lebel et al. observe, “Actors can change power and authority by working at different spatial levels ... Scale choices can be means of inclusion or exclusion” (2005: 18). The forestry director is one individual who not only shows personal leadership, but also strategically operates across scales. Internationally, he works hard “to promote an image of Sabah where deforestation is ‘slowing’ and precious areas are being rescued from logging” (SarawakReport, 2012a). He was invited by the Prince of Wales, at the political forefront in promoting green investments or “making ecosystem services pay so that they attract corporate investors” (Prince of Wales, 2011), to hold a key-

³ As Roff (in Majid-Cooke, 1995: 226) explains: “the departing British authorities bequeathed to carefully selected indigenous leaders valuable licenses to extract timber. Thus financed and (once they were elected to government) possessing unprecedented power, East Malaysia's political leader had much to disburse by way of patronage, and undoubtedly used this to build support for themselves and their policies.”

note address at the WWF Global Forest Trade Network Anniversary Forum in 2011, promoting “green Sabah” and praising its sustainable forest management.

At the same time, the director has been successful in promoting this international discourse on the local level and maintaining strong relationships. He is widely admired as a progressive and visionary leader, without whom the BioBank would not have materialised;

The forestry department is very forward-thinking, and that's mostly due to the director ... quite progressive, radical ... Sam has always been pushing for alternatives [like] carbon credits ... looked for whatever is new and might bring money (conservationist).

He is very much aware of, and reproduces this image. He approached the chief minister and promoted the BioBank as

something which has never been tried before ... Everybody makes money ... it's very innovative. If it works, then we can apply it to other areas. And the chief minister agreed ... so it was approved (high-level forestry official).

7.1. Strategic coalition-building

In order to promote particular neoliberal practices, “[a]ctors seek to build coalitions of firms, governmental agencies, NGOs, and intellectuals who can establish policies, norms, and institutions that structure the field in particular ways” (Levy and Egan, 2003: 810). The involvement of NGOs, or the “recruit[ment] of mainstream environmental organisations into the historical bloc” (Levy and Egan, 2003: 812) is crucial in this coalition-building. The forestry department has been fostering a very good relationship with mainstream conservation organisations; they work closely together. These NGOs are regularly consulted and rarely confront or criticise the government (Butler, 2013). Other local actors selectively involve international NGOs to pursue their goals, as the Yayasan Sabah official explains:

It's good to have international NGOs to sometimes say NO. Our strategy has been to get a lot of international parties to come in, to build strong defence against any political things ... If it's just us, they will just bulldoze us.

Meanwhile, more radical NGOs have not been able to settle, or were expelled from the country; “Greenpeace would never be allowed in Malaysia” one conservationist states. The palm oil industry has played its role in creating hostility against more ‘radical’ and Western NGOs (LEAP interviewee). As the conservationist continues sarcastically;

Greenpeace! Yeah, they are bad. They bomb things, don't they? Greenpeace will never be able to establish in Malaysia, because they are seen as radical ... [The Palm Oil Council] has managed to make a lot of Malaysians feel like Westerners are attacking us.

Further-reaching critique of the government is limited to a handful of community-based social organisations. Here, people struggle to bring forward alternative discourses based on human rights and common property. However, as they are often not consulted, and less prominent in the Malaysian media, their influence is limited. The state defends its interests aggressively: organisations which criticise palm oil may be publicly delegitimised, portrayed as “against national interest and national security” and accused of “inciting communities ... to reject development,” I am told by one NGO member; the setup or entry of NGOs is made difficult: “You almost never get a certificate. So what they do is set up

companies”. Financial resources and legitimacy are channelled to moderate groups. Civil society actors agree that organisations such as WWF have the power “to bring ideas into government” (conservationist); it managed to initiate a big green economy project in Sabah, promoting monetary valuation and commodification and involving policy-makers. Through this long-term coalition-building strategy, the government not only gains legitimacy and trust, but the neoliberal discourse is further spread and naturalised, and mainstream NGOs, such as WWF, and their green economy agenda are empowered.

8. Rethinking neoliberalisation of nature in Sabah – from free-market discourse to new mode of governance

Despite the prominence of markets and for-profit-motives in the narratives surrounding the BioBank, it is only on a discursive level that control over biodiversity governance is being relegated to market actors. As in every market, the state was instrumental in the construction of the BioBank: it negotiated with transnational capital (Australian finance), civil society (LEAP) and local capital (palm oil and timber), and exercised pressure on the latter to purchase BCCs. Existing power relations were mobilised to create a first market exchange; demand and supply. The price of US\$10/m² was also determined by the forestry department.

More importantly, however, the BioBank has empowered the forestry government and constitutes a way to enhance its control over Sabah's forests rather than losing control to the market. The instrument opened an additional channel of financial resources for the work the department would have to do nonetheless, and enabled it to exercise its power over corporations and local communities. This may help regain control over natural resource management – currently mainly controlled by networks of elites connected to the state government, rather than the forestry department – without directly challenging them. As Konings has argued, “neoliberalism has involved the construction of control that serve as sources of power for the state and those who enjoy privileged access or relations to its organisations mechanisms – capacities that are built on the narrowing elbow room available to subordinate actors” (2010: 743). The latter is quite literally the physical access of indigenous communities and local workers. The BioBank was used to legitimise restricting access for local communities, discursively and materially through the employment of additional (armed) rangers and forestry officials who patrol the borders. It involved the takeup of additional functions, e.g. running workshops with indigenous communities. The forestry department further strategically cooperates with and draws on other actors – e.g. palm oil corporation security guards – for the “protection” of the forest. Effectively, the BioBank enables the forestry department to render (previously unproductive) land governable and productive, almost legitimating its existence. Through these newly created or expanded functions it also empowered to govern local (indigenous) communities, through disciplining as well as through co-optation, by employing a small number of locals as rangers. On the transnational level, the BioBank and its perceived innovativeness legitimise the forestry director, and enhance his image as progressive and modern, and development-friendly yet ‘environmentalist’ (he is regularly invited to international conferences on biodiversity offsetting) – both in Sabah and abroad. In the face of widespread state cronyism and corruption on the state level, criticised (inter)nationally, this serves to improve his image. At the same time, it coexists peacefully next to the discourse on modernisation and growth as development, based on nationalist sentiments.

This shows that in Sabah, marketisation of nature represents not only the individualisation and privatisation of *responsibility*,

yet also the enhancement of control, and a particular way of governing. Rather than representing the enactment of a free-market ideology, or even giving in on the pressure of capital or 'the market', it is triggered by a particular configuration of actors, situated in a particular historical context, acting predominantly pragmatically. Neoliberal discourse and practices are clearly divergent. In this particular case, the practice also didn't fit with the related neoliberal ideas of voluntary business action and corporate social responsibility. It was widely expected that companies would buy certificates to improve their reputation. As one forestry official explains: "You can show business partners that you've invested something into this conservation, it is good for the PR... Then they see this as a value to the business". However, companies acted surprised when asked about CSR potential. They regard their participation as much more important to foster a good relationship with the forestry department and Yayasan Sabah, to secure a license to operate and regulatory goodwill. At the launch, a "big fancy conference... people who were there from the business industry were there because of forestry department, and people who bought, bought because they were told by forestry department", one conservationist describes. The dynamics were thus much more internally rather than PR-motivated.

9. Conclusion

My analysis of BioBanking in Sabah showed that marketisation was not the product of an inherent drive of neoliberal capitalism to expand, or corporate interests pressuring governments, but the product of a coalition of actors coming together, in a particular point in time, with particular interests.

This is not to say that structures and power relations were absent in Sabah. The state government has to protect the interest of capital, primarily palm oil, while increasingly being under pressure to undertake policy action to reduce biodiversity loss through deforestation and conversion. Policy initiatives that constrain profits and challenge power relations are therefore difficult to realise; "Any threat to an industry's markets... is inherently a political threat" (Levy and Egan, 2003: 812). These constraints inhibit certain fundamental structural changes, but they empower others, and are instrumentalised to 'get things done'. Powerful individuals, most notably the forestry director, invoke and utilise the institutional structures, hegemonic discourses and interest configurations to introduce new mechanisms, such as the BioBank, which don't challenge the status quo political economy and enhance the department's control over Sabah's forests. Forests continue to function as political capital – both nationally, but now also internationally (comparable to REDD+).

I illustrated how, by whom, and with which effect the hegemonic discourse has been introduced and invoked; and modified and resisted on the ground. This effectively positions actors in certain ways – the government as modern, rational, and science-based; business as saviours of biodiversity, and indigenous communities as backwards, un-patriotic and endangering wildlife.

Though not directly visible, transnational actors have played an important role in the setup of the BioBank by introducing the neoliberal rhetoric and practices (e.g. REDD preparation projects). They not only support the status quo ideologically and discursively (e.g. Prince of Wales), but also financially (palm oil agriculture, PES schemes). The agency of transnational actors, and the adoption by locals enabled the discursive commodification and marketisation of nature, and the depoliticisation and reduction of biodiversity loss to the local endangerment of the orang-utan in Sabah. This problem construction in turn facilitated the positioning of the BioBank as the equally anti-political, economically efficient and scientifically grounded 'technical' solution to this problem.

Effectively, it has led to increased control of the state, while facilitating and legitimating accumulation. Accumulation comes at the cost of local communities, who not only fail to profit from the BioBank, but fall victims to illegal bribing by the state government and suffer from the negative environmental and social consequences of palm oil agriculture. This is made possible by an institutional legal framework which protects individual and corporate rights rather than communal rights, as well as institutionalised power relations that facilitate illegal timber concessions while allowing for the strategic operation across scale, e.g. the promotion of a green image abroad. Additionally, the forestry department has maintained strong relationships to mainstream (international) NGOs, while critical voices are being marginalised. "The drive to sustain legitimacy and a broad alliance of social actors is as important as more narrow economic activity" (Levy and Egan, 2003: 812). Yet, local communities, officials and NGOs are not simply victims of these processes; they actively adopt and reproduce discourses for the sake of 'getting things done'. Nevertheless, some resistance is clearly visible, not least in the local appropriation of the transnational discourse when talking about 'love for nature', and 'selling love'.

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